

**Shelby County Plan Commission
Meeting Minutes
Tuesday
April 25, 2023**

Members Present:

Megan Hart
Jason Abel
Terry Smith
Charity Mohr
Nick Hartman
Taylor Sumerford
Kevin Carson

Members Absent:

Mike McCain
Scott Gabbard

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Terry Smith called the April 25, 2023 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Charity Mohr made a motion to approve the minutes from March 28, 2023. Megan Hart seconded the motion. The minutes were approved 7-0.

Old Business:

None.

New Business:

RZ 23-09 – BRUNING REZONING: Rezoning of 10-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a one-lot Simple Subdivision. Located at 9721 N SR 9, Morristown, Van Buren Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval with a stipulation.

Scott Sumerford represented the petitioner and indicated that the petitioner's son intends to build a house north and west of the existing buildings. He explained that the petitioner had requested the A2 zoning to allow for the keeping of livestock on the property.

The Board opened the hearing for public comment.

Heather McCullum, who owns property at 498 Hidden Valley Ct, expressed concern with approval allowing for expansion of a small business currently operating on the property, business traffic using the existing driveway, development in the floodplain, and keeping of additional animals on the property.

Ronald McCullum, who owns property at 498 Hidden Valley Ct, was also present.

The Board closed the public comment portion of the hearing.

Scott Sumerford indicated that the petitioner was not present to address the questions about the business.

Q: Jason Abel – Do we know if they plan on asking for a variance or using a different drive?

A: Scott Sumerford – I don't know, that would come up in site plan.

Desiree Calderella answered questions from the Board regarding the differences between the RE and A2 District, and the allowance of a business in these districts.

Scott Sumerford indicated that he assumed that the petitioner had requested the A2 zoning for the keeping of animals because the property includes a livestock fence.

Kevin Carson indicated that he did not feel comfortable voting on the petition until the petitioner could address questions regarding the business and animals.

Kevin Carson made a motion to continue the petition and Nick Hartman seconded that motion. **The petition was CONTINUED 7-0.**

SD 23-05 – BRUNING SIMPLE SUBDIVISION: Subdivision of 10-acres from a 39.97-acre parent tract and waiver of Simple Subdivision prerequisites. Located at 9721 N SR 9, Morristown, Van Buren Township.

This petition was **CONTINUED**.

RZ 23-10 – TITUS REZONING: Rezoning of 3-acres from the A1 (Conservation

Agricultural) District to the RE (Residential Estate) District to allow for a one-lot Simple Subdivision. Located east of and adjoining 4439 W 950 N, Fountaintown, Moral Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Scott Sumerford represented the petitioner and indicated that the lot would adjoin an existing homestead to limit the loss of agricultural land.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Kevin Carson indicated that he supported the petition because the subdivision would minimize the loss of farmland.

Kevin Carson made a motion of vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 7-0.**

The Board adopted the following findings of fact:

1. The request is consistent with the Shelby County Comprehensive Plan.
2. The request is consistent with the current conditions and the character of structures and uses in each district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.

SD 23-06 – TITUS SIMPLE SUBDIVISION: Subdivision of 3-acres from a 35.49-acre parent tract. Located east of and adjoining 4439 W 950 N, Fountaintown, Moral Township.

Desiree Calderella read the petition into the record and stated that Staff recommends approval.

Scott Sumerford represented the petitioner and had no comment.

The Board opened the hearing for public comment. There was none. The Board closed the public comment portion of the hearing.

Kevin Carson made a motion of vote on the petition and Jason Abel seconded that motion. **The petition was APPROVED 7-0.**

RZ 22-19 – HERITAGE AGGREGATES LLC – RECOMMENDATION ON MODIFIED COMMITMENTS: Recommendation on modification to commitments to reduce property line setbacks by the County Commissioners. Located generally north of CR 1200 S, south of Old SR 252, east of CR 100 W, and west of SR 9, Flat Rock, Washington Township.

Desiree Calderella read the petition into the record

Kevin Carson indicated that he would feel comfortable with amending all required setbacks to two-times the ordinance requirement, versus larger setbacks previously approved for stockpiles from residential structures and the asphalt batch plant.

Nick Hartman agreed with Mr. Carson.

Charity Mohr indicated that if the Commissioners can make a change to the commitments, then the Plan Commission should forward their previous recommendation.

Jason Abel indicated that the Board could consider reducing the setbacks for the mining of aggregate, but not amend the setbacks for the asphalt batch plant and the aggregate piles since the public had particular concern about those items.

Charity Mohr made a motion to forward the previous recommendation and commitments to the County Commissioners with no changes and Megan Hart seconded that motion. **The motion was APPROVED 7-0.**

SUNBEAM DEVELOPMENT / I-74 EAST COMMERCE PARK: Plan Commission review of a traffic study and determination that public street(s) are designed to effectively and safely convey the existing and added traffic generated by the development, or whether the street will be prematurely degraded by the added traffic generated by the development.

Desiree Calderella read the petition into the record.

Chris King represented the petitioner. He provided an overview of the proposed road improvements around the Sunbeam Development and explained the anticipated traffic flow. He also answered questions from the Board.

Kevin Carson made a motion of vote on the petition and Charity Mohr seconded that motion. **The petition was APPROVED 7-0.**

Discussion:

Rules of Procedure

Desiree Calderella presented a draft copy of the Plan Commission Rules of Procedure to the Board. The Board requested the following changes:

1. Include a procedure for appointment of alternate members to the Board.
2. Allow an appointing authority to remove a member if a member misses six or more regular meetings in a calendar year.
3. Allow an appointing authority to remove a member for voting on a petition which the member has a conflict of interest.
4. Increase the required public notification from a 600-foot radius to a 660-foot radius of a subject property.
5. Require a public notice sign on any property having a pending petition.
6. Increase the time limit for public comment from two minutes per person to three minutes per person and eliminate the fifteen-minute cap on public comment.
7. Clarify that the Board, at their discretion, may increase the time limit for petitioner and public comment.
8. Clarify Official Action to include vote for no recommendation.
9. Allow the Board, rather than the President, to grant requests for continuances at the meeting.

Adjournment:

With no further business to come before the Board, Kevin Carson made a motion to adjourn. Megan Hart seconded that motion. The meeting was adjourned.

Terry Smith
President

Date

Scott Gabbard
Secretary

Date